IN THE COURT OF JUDICATURE AT BOMBAY

ORIGINAL SIDE JURISDICTION

WRIT PETITION NO.1876 OF 2006

Shivkumari R.Gupta ...Petitioners

vs.

State of Maharashtra and Ors. ...Respondents

Mr.K.K.Jadhav for the petitioners.

Mr.Shekhar Ingarle, AGP for Respondent nos.1 to 3.

Mr.M.V.Aiya for Respondent no.4.

CORAM: J.N.PATEL, J. And

S.C.DHARMADHIKARI, J.

DATE ; 13TH FEBRUARY, 2007.

P.C :-

1. Heard Learned Counsel for the parties.

2. The petition can be disposed off at the stage of admission itself. The petitioner who was the respondent before the Hon'ble Minister who

entertained a Revision Application against the order dated 29.3.2005 passed by the Controller of Rationing, Mumbai under which the Petitioner was allotted Ration Shop. In the Revision Application preferred before the Hon'ble Minister by the aggrieved persons, it is not disputed that the Hon'ble Minister disposed off the Revision Application without issuing notice to Respondent No.2. i.e. the Petitioner which is the subject matter of challenge before this court.

3. It is the case of the Petitioner, that the Ration Shop of the Petitioner has been cancelled even without giving opportunity to the Petitioner by the Hon'ble Minister. The Learned Counsel appearing for the parties, fairly concede that the order stands vitiated on this very ground of denial of opportunity of hearing to the Respondent by the Hon'ble Minister. We therefore quash and set aside the impugned order and direct the Hon'ble Minister to hold denovo hearing of the Revision Application after giving notice to all concerned. In view of the fact that we have quashed and set aside the order passed by the

Hon’ble Minister in Revision, the order dated 29.3.2005 passed by the Controller of Rationing would stand restored with immediate effect. Petition disposed off accordingly.

(J.N.PATEL, J)

(S.C.DHARMADHIKARI, J)